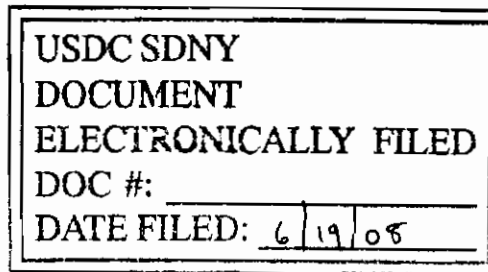
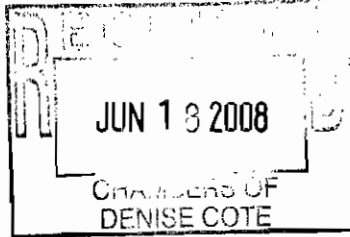


BAKER BOTTS LLP



30 ROCKEFELLER PLAZA
NEW YORK, NEW YORK
10112-4498

TEL +1 212 408 2500
FAX +1 212 408 2501
www.bakerbotts.com

AUSTIN
BEIJING
DALLAS
DUBAI
HONG KONG
HOUSTON
LONDON
MOSCOW
NEW YORK
PALO ALTO
RIYADH
WASHINGTON

Maureen P. Reid
TEL +1 212 408 2521
FAX +1 212 259 2521
maureen.reid@bakerbotts.com

June 17, 2008

BY OVERNIGHT MAIL

The Honorable Denise Cote, U.S.D.J.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1040
New York, New York 10007

MEMO ENDORSED

Re: *Weiner v. Snapple Beverage Corporation*
Civil Action No.: 1:07-cv-8742

Dear Judge Cote:

We represent Defendant in the above-referenced matter. As previously reported, *Holk v. Snapple Beverage Corporation*, Civil Action No.: 3:07-03018-MLC-JJH ("Holk") is a substantially similar action pending in the District of New Jersey and this Court entered a Consent Order to Stay Action (Dkt. 20) on December 7, 2007. On May 27, 2008, counsel updated Your Honor on the status of *Holk* and promised to notify Your Honor as soon as we received a decision.

On June 13, 2008, Judge Mary Cooper issued her Memorandum Opinion granting Snapple's motion to dismiss on implied preemption grounds and dismissing the entirety of the action with prejudice. For Your Honor's convenience, we have enclosed a copy of the Memorandum Opinion and Order and Judgment.

We appreciate Your Honor's attention to this matter.

Respectfully,

Maureen P. Reid

cc: Daniel R. Lapinski, Esq. (via electronic mail)
Philip A. Tortoreti, Esq. (via electronic mail)
Michael Halbfish, Esq. (via electronic mail)

*Counsel shall advise
the Court in letters no
longer than two pages
by June 27 of their
proposal for continued
litigation in 07
Cir 8742.*

*Minister
June 19, 2008*